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## Community Development Department

31 West Quincy Street • Westmont, Illinois 60559  
Tel: 630-981-6250 Fax: 630-968-8610

### Village of Westmont Planning and Zoning Commission July 13, 2016 - Minutes

The Village of Westmont Planning and Zoning Commission held its regular meeting on Wednesday, July 13, 2016 at 7:00pm, at the Westmont Village Hall, 31 W. Quincy Street, Westmont, Illinois 60559.

Chair Ed Richard led in the following:

#### **(1) Call to Order**

#### **(2) Roll Call**

**In attendance:** Chair Ed Richard, Commissioners Craig Thomas, Gregg Pill, Thomas Sharp, Janis Bartel, Doug Carmichael, Secretary Wallace Van Buren, Community Development Director Jill Ziegler, Planner Joseph Hennerfeind.

**Absent:** None.

#### **(3) Pledge of Allegiance.**

#### **(4) Swearing in of testifying attendees and reminder to sign in.**

#### **(5) Reminder to silence all electronic devices.**

**MOTION to move PZ 16-013 Westmont B Imports, Inc. to the end of the meeting.**

Motion by: Van Buren

Second by: Pill

#### **VOTING A**

Van Buren--Yes

Thomas--Yes

Bartel--Yes

Carmichael--Yes

Pill--Yes

Richard--Yes

Motion passed.

#### **(6) Approval of Minutes of the June 8, 2016 meeting.**

**MOTION to approve the June 8, 2016 minutes.**

Motion by: Pill

Second by: Bartel

## **VOTING A**

Van Buren--Yes  
Thomas--Yes  
Bartel--Yes  
Sharp--Abstain  
Carmichael--Yes  
Pill--Yes  
Richard--Yes  
Motion passed.

## **(7) Open Hearing**

### **New Business**

**PZ 16-014      Jean Skuble regarding the property located at 340 South Lincoln Street , Westmont, IL 60559 for the following:**

(A)      Zoning Code Variance Request to permit the construction of a 5' solid fence in the side yard adjoining the street in the R-3 Single Family Residential District.

**PRESENTATION:** Skuble stated that she just purchased home in March and it has always been her intention to put up a fence, due to having 7 grandchildren. She was not originally aware that she would not be able to install a fence of this height/location. The yard is near a dangerous street area and her biggest issue is safety. She stated that the neighbors have a fence as well and she would like to install a beautiful wood fence of value. She understands that she could install a shorter fence but afraid the children would climb it. She is aware that there is some concern about line of sight but it would be installed in back yard and away from the corner. She stated that she would like to install the fence 6' in from the sidewalk.

**STAFF COMMENT:** Hennerfeind stated the variance is for installing for fence. They have discussed options and she did indicate that this is for safety. He mentioned that there were changes to the code on fencing and this option is trying to allow her to also have access to her entrance.

**PUBLIC COMMENT:** None.

### **COMMISSIONER COMMENT:**

Bartel: concern would be obstructed view and upon observing personally she did not feel that there would be any view obstructions.

Sharp: very supportive, installed a fence himself last year for same reasons.

Thomas: commented that he would even be okay if the fence went right to the sidewalk.

Pill: perfect use of a fence, he inquired about the type of fence. Reply: Applicant showed a picture of the fence style.

Carmichael: supportive.

Van Buren: supportive.

Richard: supportive. Reply: Applicant asked about the aluminum fence needed by basement stairs. Staff: Hennerfeind clarified that fence did not require a variance.

## **FINDING OF FACTS A**

1. YES=7 NO=0
2. YES=7 NO=0
3. YES=7 NO=0

## **MOTION A**

Motion to recommend to the Village Board of Trustees to approve to a Zoning Code Variance Request to permit the construction of a 5' solid fence in the side yard adjoining the street in the R-3 Single Family Residential District.

Motion by: Bartel

Second by: Carmichael

## **VOTING A**

Van Buren--Yes

Thomas--Yes

Sharp--Yes

Bartel--Yes

Carmichael--Yes

Pill--Yes

Richard--Yes

Motion passed.

**PZ 16-015      McLean Family Trust regarding the property located at 138 North Cass Avenue, Westmont, IL 60559 for the following:**

(A)      Special Use Permit request to operate a business office on the ground floor in the B-1 Limited Business District.

**PRESENTATION:** Tim McLean, owner of 138 N Cass, asked permission for a special use to use space for his office as they have been unsuccessful in finding a retail tenant due to configuration of the space. He has been able to find more business with residential property management and would like to utilize the space for his office business.

**STAFF COMMENT:** Hennerfeind stated the applicant is asking for special use without any special conditions. Office is not permitted by right on the ground floor in the B-1 District. As the applicant stated, the question is if the space is suitable for retail, and if it fits within the Downtown and the TIF District.

**PUBLIC COMMENT:** None.

## **COMMISSIONER COMMENT:**

Carmichael: asked about amount of traffic the business would draw. Reply: at start it would be minimal with only two employees. Traffic would be more cyclical in nature with people paying their association dues at the beginning of the month, possibly 15 cars, though they would like to grow their business.

Van Buren: supports.

Pill: supports.

Thomas: supports.

Sharp: asked about the retail requirements that tenants were needed. Reply: most retail wanted more storefront in the front of the space, this configuration has a large room in back.

Bartel: supportive.

Richard: asked if they have looked into gutting space and re-doing. Reply: they did look into that but was cost prohibitive. Staff: did confirm that sprinklers would be required for the building if they re-did the units. The family has actively tried to redevelop without success in that area.

#### **FINDING OF FACTS A**

1. YES=7 NO=0
2. YES=7 NO=0
3. YES=7 NO=0
4. YES=7 NO=0
5. YES=7 NO=0

#### **MOTION A**

Motion to recommend to the Village Board of Trustees to approve to a Special Use Permit request to operate a business office on the ground floor in the B-1 Limited Business District.

Motion by: Pill

Second by: Thomas

#### **VOTING A**

Van Buren--Yes

Thomas--Yes

Sharp--Yes

Bartel--Yes

Carmichael--Yes

Pill--Yes

Richard--Yes

Motion passed.

#### **PZ 16-016      Dominic Tommasone regarding the property located at 38 and 42 West Naperville Road, Westmont, IL 60559 for the following:**

(A)      Special Use Permit request for an existing automotive garage located at 38 West Naperville Road in the B-2 General Business District with existing non-conforming exterior storage of vehicles awaiting service or customer pick-up.

(B)      Special Use Permit request for expansion of an automotive garage to be located at 42 West Naperville Road in the B-2 General Business District.

**PRESENTATION:** Tommasone stated that he has owned the building for 13 years and the second building for 25 years, both have been existing garage businesses. He would like to expand his business into the 42 West building and the expansion will not be as cluttered as it include more luxury cars.

**STAFF COMMENT:** Hennerfeind stated there are two considerations for this applicant. One is that the building at 38 W Naperville is operating as a auto business which was prior to special use permits being required by the zoning code. The special condition is that he has a landscape plan to screen cars awaiting

service. The Commission needs to consider a special use before they can consider the expansion of the use. Tommasone will no longer using the back lot for storage as it was previously.

**PUBLIC COMMENT:** Jon Rudey spoke on behalf of the applicant. He stated he is a customer and a friend and has never found his facility to be disorderly and is also a resident local to the business and wanted to stop and show his support.

**COMMISSIONER COMMENT:**

Bartel: asked about the striping so that there are no cars parked on the sidewalk, she also asked about the resident that is so close. Reply: the striping is already there, the resident is 6" within his property line.

Sharp: asked about customers sitting on sidewalk while waiting to cue into stall and asked him to explain the striping. Reply: most people pull into the parking lot behind the 38 W. Naperville building. They are talking about posting a sign with area to show where parking area is, which lot has plenty of room. He also mentioned that when they expanded the road they lost area in front of the bays.

Thomas: asked about the zoning for the large parking, what is he allowed to do now versus if zoning is changed. Reply: he has an existing nonconforming use, we would not approve storage outside, if there are cars waiting it would be covered by landscaping. He can continue to operate as is and use as is where it stands right now, but with the expansion he has to have the special use.

Pill: supportive.

Van Buren: supportive, shouldn't be penalized for wanting to expand.

Carmichael: supportive and complimented him on neatness of the properties.

Richard: we changed our rules and now just making his business fit the new rules.

**FINDING OF FACTS A**

1. YES=6 NO=0
2. YES=6 NO=0
3. YES=6 NO=0
4. YES=7 NO=0
5. YES=7 NO=0
6. YES=7 NO=0
7. YES=7 NO=0

**MOTION A**

Motion to recommend to the Village Board of Trustees to approve to a Special Use Permit request for an existing automotive garage located at 38 West Naperville Road in the B-2 General Business District with existing non-conforming exterior storage of vehicles awaiting service or customer pick-up.

Motion by: Van Buren

Second by: Carmichael

**VOTING A**

Van Buren--Yes

Thomas--Yes

Sharp--Yes

Bartel--Yes

Carmichael--Yes

Pill--Yes  
Richard--Yes  
Motion passed.

#### **FINDING OF FACTS B**

1. YES=6 NO=0
2. YES=6 NO=0
3. YES=6 NO=0
4. YES=7 NO=0
5. YES=7 NO=0
6. YES=7 NO=0
7. YES=7 NO=0

#### **MOTION B**

Motion to recommend to the Village Board of Trustees to approve to a Special Use Permit request for expansion of an automotive garage to be located at 42 West Naperville Road in the B-2 General Business District.

Motion by: Thomas

Second by: Sharp

#### **VOTING B**

Van Buren--Yes  
Thomas--Yes  
Sharp--Yes  
Bartel--Yes  
Carmichael--Yes  
Pill--Yes  
Richard--Yes  
Motion passed.

**PZ 16-017      Ultimo Motorsports regarding the property located at 180 West Ogden Avenue, Westmont, IL 60559 for the following:**

- (A)      Special Use Permit request to expand an existing used automotive dealership in the B-2 General Business District.
- (B)      Zoning Code Variance request to allow parking within the front yard setback.
- (C)      Zoning Code Variance request to permit the sale of used automobiles within 500 feet of a residence district.
- (D)      Site and Landscaping Plan approval.

**PRESENTATION:** Joe Gabin, stated he operates a business on Ogden Avenue and is requesting to be able to sell used cars at their location. Their sales are growing and up to \$2.5 million per month and they have an opportunity to lease the property next store which has been vacant for quite awhile. They have been working with staff for quite awhile and have resolved some of the issues. They will access property through the side of the property. They will not be using the building, or removing the building, they are only using the lot for storage. They average about 3 car sales per day, 70 per month, about 5-6 customers a day and they do not get a large amount of traffic. Closing the entrance on Ogden would be

an option as well unless they need to keep that access for the fire department. They have tried to pay attention to residents in area and will add signage such as “No Right Turn” into the residential area.

**STAFF COMMENT:** Hennerfeind stated that the commission needs to consider a special use. First, a landscaping plan is needed. They must also establish that there is no traffic or resident safety issues. There is a residence within the 500 feet, so they would need a variance. By converting the lot from customer parking which is temporary to permanent parking he would need a variance. There has not been a second submittal answering the engineer’s comments will be met.

**PUBLIC COMMENT:** Anna Shaw, owner of the property near the property, stated that she is concerned about the traffic near her driveway and since they are at the bottom of the hill they are concerned about flooding. Her son inquired about car unloading late at night. Applicant stated it was not their cars; it was unloading for a dealership further east down the street.

Ghaben replied that they would be happy to have the landscape screening and signage for no right turn into residential area. And that even though they haven’t even leased the property they have cleaned it up already.

**COMMISSIONER COMMENT:**

Richard: stated that the Fire Department has approved the site plan.

Carmichael: asked about engineering requirement for sidewalk. Reply: Noreiga stated that they would normally require a sidewalk since they are not developing the property and would accept cash in lieu.

Van Buren: supports, he would call for minimal requirements for them to change.

Pill: likes the idea, it’s in keeping with the Comprehensive Plan and applicant has been a good neighbor.

Thomas: suggested painting the building so that it does not look like a Hardee’s. Reply: Applicant would be okay with painting the building but would need to get approval from the owner.

Sharp: has concerns about the Washington Street exit since it will set precedent, supports with the qualifier that he would like to see the drive only allow left turns. Reply: he agrees but again he has to get approval from the owner. But stated at the end of the day, if someone ignores the signage, they could also ignore the left turn curb.

Bartel: asked if the landscaping plan was going to be revised since it is inadequate. Reply: once they finalize with engineering they will revise the whole plan.

Richard: inquired about parking spaces that are in the Ogden Ave setback. He also asked about the money that is due for the water. Suggested to put curb stops at Washington exit to block the exit. Reply: three spaces. He agreed he would be happy to block the exit if the fire department would allow it. Staff: replied on water bill that they are pursuing that separately as part of the bankruptcy.

**FINDING OF FACTS A**

1. YES=7 NO=0
2. YES=7 NO=0
3. YES=7 NO=0
4. YES=7 NO=0
5. YES=7 NO=0
6. YES=7 NO=0
7. YES=7 NO=0

## **MOTION A**

Motion to recommend to the Village Board of Trustees to approve to a Special Use Permit request to expand an existing used automotive dealership in the B-2 General Business District.

Motion by: Bartel

Second by: Pill

Question on the Motion: Sharp asked that there is a qualifier that the applicant follow up with Fire Department on closing the Washington Street exit.

Motion has been amended to include a follow up with Fire Department.

Motion by: Bartel

Second by: Pill

## **VOTING A**

Van Buren--Yes

Thomas--Yes

Sharp--Yes

Bartel--Yes

Carmichael--Yes

Pill--Yes

Richard--Yes

Motion passed.

## **FINDING OF FACTS A**

1. YES=6 NO=0
2. YES=6 NO=0
3. YES=6 NO=0

## **MOTION B**

Motion to recommend to the Village Board of Trustees to approve to a Zoning Code Variance request to allow parking within the front yard setback.

Motion by: Pill

Second by: Thomas

## **VOTING B**

Van Buren--Yes

Thomas--Yes

Sharp--Yes

Bartel--Yes

Carmichael--Yes

Pill--Yes

Richard--Yes

Motion passed.



## **FINDING OF FACTS C**

1. YES=7 NO=0
2. YES=7 NO=0
3. YES=7 NO=0

## **MOTION C**

Motion to recommend to the Village Board of Trustees to approve to a Zoning Code Variance request to permit the sale of used automobiles within 500 feet of a residence district.

Motion by: Van Buren

Second by: Carmichael

## **VOTING C**

Van Buren--Yes

Thomas--Yes

Sharp--Yes

Bartel--Yes

Carmichael--Yes

Pill--Yes

Richard--Yes

Motion passed.

## **MOTION D**

Motion to recommend to the Village Board of Trustees to approve to a Site and Landscaping Plan approval.

Motion by: Pill

Second by: Bartel

## **VOTING D**

Van Buren--Yes

Thomas--Yes

Sharp--Yes

Bartel--Yes

Carmichael--Yes

Pill--Yes

Richard--Yes

Motion passed.

**PZ 16-018**      **LWV Odessa Ponds, LLC, regarding the properties located at 6704-24 Echo Lane, 6703-24 Tudor Lane, 6703-24 Alpine Lane, 6703-24 Park Lane, 6703-24 Lakeshore Drive, 6703-24 Cedar Lane, 6703-24 Vail Drive, 6703-24 Aspen Lane, 6703-23 Maple Lane, Westmont, IL 60559 for the following:**

(A)      Map Amendment request to rezone from R-4 General Residence District to a Planned Development Overlay District in the underlying R-4 General Residence District with the following exceptions from the Zoning Code:

1.      Exception to reduce the required amount of useable open space, which is currently non-conforming.

- (B) Zoning Code Variance request to exceed the maximum number of allowable accessory structures to construct clubhouse facilities.
- (C) Zoning Code Variance request to exceed the maximum size of an accessory clubhouse structure.
- (D) Zoning Code Variance request to exceed the maximum height of an accessory clubhouse structure.
- (E) Preliminary Plat of Subdivision to consolidate the properties into two lots.
- (F) Site and landscaping plan approval for the construction of clubhouse facilities.

**PRESENTATION:** Russ Whitaker, attorney on behalf of owner, mentioned that he was before the board and presented for same owners on what was formerly the Ponds apartment complex. The property consists of approximately 30 acres as a planned development but missing the development paperwork and how it fits within the codes. They are expanding and improving the development. The property is 31 buildings with 4 phases and 93 ownership units. They took a year in order to acquire all the property from 67 different owners. They now have 100% ownership of the property, there are 558 total units, 166 one bed, 419 2 bedroom, 23 3 bedroom units. There was a lot of deferred maintenance which affected property in a negative way, they are looking to renovate and turn it around. The objectives of ownership they have been working with Village on property maintenance issues. Since acquiring they have cleaned up the property, fixing utilities, leaking roofs, interior renovations, dumpster corrals and parking lot resurfacing will be starting and they will have ongoing improvements. They would like to unify ownership and maintenance, establish rules and regulations, outside storage, parking, disabled cars parking and they have been re-tenanted the property which includes mandatory criminal background checks and so tenant base has cleaned up as well. They are proposing a two owner development, each side with a clubhouse if it was divided. They have plans for one clubhouse, approval for a second clubhouse. There will be a large detention basin in the center of the development. Clubhouses are not permitted in the R4 zoning so they are seeking an accessory use. They wanted to come and introduce the project, they are not looking to add to the development except for the clubhouse, only to improve. The clubhouse will have a leasing center 7 days a week, a pool, a patio, a business center and an Amazon delivery center. With improvements they see rents climbing and occupancy growing.

**STAFF COMMENT:** Hennerfeind stated that they are looking to rezone with an overlay. There is an exception for usable open space for every unit, but this is very hard to classify. This development is especially difficult because they have the ponds in between buildings and parking lots though open, are not usable, and the clubhouse will take away from the open space. The variances before the commission are all in result of the clubhouse, the current ordinance only has information for adding an accessory structure with dimensions for sheds, which the clubhouse exceeds. There will be the benefits of uniformity of the reduced ownership, as in past code enforcement and problems were difficult to address.

**PUBLIC COMMENT:** Lucy Pacific, a homeowner across from the apartments, stated that she is concerned where the clubhouse is going to be built and where the traffic will be entering and exiting due to her driveway being so close. She suggested a one way in and one way out of the facility. She commented that they have done a fabulous job with cleaning up and they have seen reduced police activity.

Reply: the clubhouse would be built in center adjacent to an existing parking lot which is being redone and resurfaced, there would be one exit in and out of it which would be the existing entrance to that parking lot. They do not anticipate the clubhouse will generate additional traffic, as they would hope that most residents would walk to the facility and there are a limited number of spaces in front of the building. They do not expect a significant traffic flow from that location. And they do think that the clubhouse will promote a sense of community.

Karen Vetrovich, 126 67th Street for 20 years, stated they have seen quite a transformation with the development and they are very happy as it is quite improved. They are hoping that if and when it splits they are still maintained with the common rules.

Reply: it is their intention to hold ownership currently but to plan for a sale at some point to an institutional investor. Though he pointed out that they have reduced the ownership from 93 ownership units to 2.

**COMMISSIONER COMMENT:**

Bartel: delighted with project.

Sharp: amazed at the reduction from 93 owners to one currently, very supportive.

Thomas: amazed at the efforts they have put in.

Pill: even though not reducing the number of units, they are certainly improving them and reducing the drain on the police department.

Van Buren: inquired as to whether the owners have followed through on Eagle Creek.

Staff: commented that the owners have made substantial improvements.

Carmichael: thanked him for the great start on improvements.

Richard: commented on the garbage corrals, roofs and excited about the improvements. Asked about the hours for the clubhouse. Reply: there would be a key fob system, where the fobs would be designated to who has access where. Everything will be open when the leasing office is open. The pool will be open Memorial Day to Labor Day. The exercise room has the option for 24 hour accessibility but they have to determine what they will let, possibility of early morning hours but possibly not the late night hours.

Richard asked about standing water. Reply: Noriega said it looks like the issue is resolved.

Richard asked about the subdivision and building of clubhouses. Reply: they are requesting the subdivision and approval on two clubhouses though their intention is only to build one. Their clubhouse should accommodate the entire development but they would like the option of a second one and are only planning for future possibility of selling in the future though they have no intent right now to sell.

Petitioner will re-publish and be back at the August 3rd meeting.

**Old Business**

**PZ 16-013      Westmont B Imports, Inc. regarding the property located at 420 and 430 East Ogden Avenue, a portion of Westmont Drive, 645, 650 and 651 Westmont Drive, and 415 Plaza Drive, Westmont, IL 60559 for the following:**

- (A) Special Use Permit request to operate an automotive dealership in the B-2 General Business District.
- (B) Zoning Code Variance request to allow parking within the front yard setback.
- (C) Zoning Code Variance Request to increase the allowed height in the B-2 General Business District for the purpose of constructing a rooftop parking deck for an automobile dealership.
- (D) Preliminary Plat of Vacation for Westmont Drive.
- (E) Preliminary Plat of Consolidation.
- (F) Site and Landscaping Plan approval.

**PRESENTATION:** Tom McCabe, civil engineer for the project, presented that they are here to propose a new facility including new building, two retention ponds, vacate the drive in back and put in a cul-de-sac that they have worked out with Noriega. They would like to get started this fall. They would utilize the tennis center for storage over the winter with demolishing it in Spring and work on construction of new building. They have landscaping proposals, as well as addressing the closing down of Westmont Drive which has been discussed with Village engineering. He shared a video from the owner that could not attend due to a conference. He discussed the growth of the business from 2002 to present day. They are the number one BMW dealer in the region in an outdated building. They have acquired the bakers square lot and the tennis center and are proposing part of westmont drive. They have worked with Westmont Auto Mile and contributed to community events and they would like to continue to work with the Village so they can remain in Westmont. They will be hiring additional employees, increased tax revenue and also get rid of the bakers square building and a new look for Ogden Ave.

Peter Newfeld, architect, reviewed the site plan. The new building will be 60,000 sq foot footprint which is not much larger than the existing footprint. BMW based on unit sales and zip codes is forecasting a dramatic sales increase. They need a larger facility to accommodate the growth. They have worked with him previously and currently cannot expand and keep efficient without the new facility. They try to combine owner's needs with good solutions for keeping it attractive for the public. There is a lot of glass and thin architecture. He showed pictures including an aerial view including the parking decks. There are three levels for parking to allow for inventory for the business.

McCabe mentioned there is a need for the parking and being able to service cars. Part of this process is updating the service bays, this facility includes 4 new bays. The biggest improvement you are going to see is a reduction of the flooding of the street in area due to the 4 acre feet of detention that they will be providing. They are following the slope of the land. He mentioned the easement near the McGrath property will remain intact. Village standard cul de sac with landscaping. There will be a significant improvement with the storm sewer.

Craig Dowdin, landscape architect, presented the proposed landscape plan. It was mentioned that cars and trees don't mix from a mess standpoint near the cars but Westmont requires landscaping. They have a mix of trees and have outlined a plan for flowering shrubs which are very hardy for the area and the salt use that they will see on the lot plus colorful with good seasonality.

Michael Worthman, KLOA Inc., mentioned that they were retained to perform the traffic study and vacation of Westmont Drive. They looked at existing traffic, growth and new traffic from the expansion of the dealership. As part of the proposal, the southern ⅔ of Westmont Drive will be vacated with access drives off of the cul de sac and Ogden Avenue. Westmont Drive currently serves the existing dealership and a couple properties on Westmont Drive plus some properties on Plaza Drive. Blackhawk Drive would now be the access way. This will result in a minimal increase in traffic, very limit impact in travel distance or travel time for people from the west or south. Those coming from the east will have to travel an additional ½ mile, possibly 4-5 minutes. The peak in morning 88 cards, down to 33 in evening and 20 on Saturday. The impact on p.m. is minimal as those leaving are heading to Blackhawk to use light for make the left out on to Ogden. They took existing volumes, increased growth and projected volumes, as well as reassignments and they have found that the 1-3% increase in traffic at the BlackHawk intersection, there is sufficient capacity currently on the streets and with traffic lights to handle.

McCabe stated that they met with neighbors and it was suggested that they leave the street but that leaves them losing space for a couple hundred cars. Between roadway, front and parking level they would like to see 700 cars at the facility. Projected new facility sales for 2020 150 million.

**STAFF:** Hennerfeind stated there it has been well discussed and they are asking for a special use for the new configured lot. The special use is servicing the cars and they will have landscaping so that the visual will be blocked. There is a setback variance and a height variance for the parking deck. There are currently 5 lots and they would like to consolidate. Plus site and landscaping approval for the development.

**PUBLIC COMMENT:**

Ellen Emery, attorney representing business owners on Plaza Drive. She did inquire if Commissioner Pill was recusing himself of this case since it was his tennis center that was sold to BMW, Pill replied that he is not. Emery stated that she is disappointed that the owner is not at the meeting so they can get answers to questions and would like a copy of the plans, she would ask them to waive the copyright of the plans. The public should be able to see the plans and ask their questions. One of the questions is what purpose does the cul-de-sac serve, only an access point for the dealerships? She mentioned addressing with Village board is concerned with access to Ty Warner Park and addressed with the fire department. She mentioned a nearby property with combustible canisters and concerned about fire truck accessibility and mentioned Plaza Drive being narrow with possibility of semi trailers blocking it. She feels that the light is inadequate on BlackHawk and takes forever to change. At rush hour, she stated that the light will be 40-50 cars deep and if you force the right turners to go to Black Hawk that will add to the congestion and she doesn't see emergency personnel being able to access. She mentioned that they have offered money for signage for the businesses behind the development. She mentioned that the businesses behind shouldn't suffer for this dealership to grow. She inquired about where the cars will be unloaded, if that is on Plaza how will the other businesses operate. She mentioned IDOT needs to be involved to re-sync the light, does that make Oakwood residential area the new test drive lot. The businesses and employees affected will be more than the 30 new employees that the dealership brings. She suggested that this be deferred until BMW allows them to look at the plans. She also asked why for a project of millions would the roadway would be reduced?

Chairman Richard asked who she is representing. She mentioned Oakwood Development at 414 Plaza but would not reveal the entire list.

Staff addressed the FOIA that they do not allow copies of copyrighted material, but they are able to come into Village to see the drawings.

Reply: McCabe stated that he can answer all of the questions without Manager Patrick Wonack on site. He said sending plans is not a problem. As far as cul de sac access being two businesses, it is also been only access for BMW and McGrath so the access does not change as the easement is their property. The fire trucks would be able to go right through the middle of their property and even if gated the fire department would have access through a lockbox. They have mentioned IDOT from the beginning and agree that they can address the light working correctly. Currently the area is a hammer head and the cul de sac will allow people to turn around easily. As far as trucks unloading they will have more space and trucks will be able to unload within the lot instead of on the streets.

Scott Krafteffer, 414 Plaza Drive, Suite 302, stated that he has been selling business condo units and by making it a dead end street will affect his ability to sell those units. He asked if they knew how many

docks are on Plaza and he has waited 7-8 minutes for a semi to move, so by closing Westmont Drive it will cause additional issues.

Joel Hymen from the Westmont Park District, read a letter stating the park district opposition to the closing of Westmont Drive as it will cause issues for the area and businesses in the area. Closing of this street would have significant impact on the fitness center and other businesses. There is extreme congestion on BlackHawk which are already strained between the cars there from schools, park, and businesses.

Reply: Worthman responded that they did evaluate BlackHawk Drive at peak times and on Saturday, it still offers at a good level of service. All vehicles clear the intersection. They have also tried planning a meeting with IDOT to extend that light. Drivers with semi trailers do not take 7-8 minutes, they can also move quickly to get out of the way for emergency services.

Attorney: It was asked if Emery has the right to ask questions of BMW and to extend the meeting. She does have the right to ask and it is up to the board to decide. If she has specific questions on the variance requirements she has the right to the ask them.

Emery stated that she still has more questions but she does not feel that they have ownership to speak on the owner's behalf.

The vacation of the road is not open for public discussion or recommendation by the commission, as commission is only voting on the site plan not the actual vacation.

#### COMMISSIONER COMMENT:

Sharp: mentioned that with access through property doesn't feel that anyone is unsafe, but agrees that it is odd that the owner is not in attendance at the meeting.

Bartel: agrees but thinks the owner should be at the meeting.

McCabe inquired about what the commission is voting and what are the questions that only Pat Womack can answer. He feels that they should have all the questions ahead of the time of another meeting in front of the commission. He stated that Pat did attend the previous meetings and hosted the surrounding businesses to find out the questions from them.

Chairman Richard: asked Emery if she would like to defer the meeting and she stated that yes she would. She was asked if she was a certified traffic engineer, and she stated that she was not.

Attorney: motion should be to enter and continue the public hearing.

Bartel: will not comment on traffic issue, but the project sounds wonderful, well presented and researched and only question on the removal of the trees, is the Village paying for that. Reply: there are ten trees going to be removed but he is unsure on who was going to pay for that.

Sharp: if the vacation of the street is off the table but the variance requests are very common. Attorney: stated that the site plan includes the vacation o f the street.

Thomas: not a traffic expert only has an opinion, so he will wait to hear more testimony.

Pill: asked about the curve to the cul de sac. Reply: Noriega stated that it was necessary due to surrounding property restrictions and making sure it was entirely on the Village property so Village maintains full control. Pill asked if cul de sac was large enough for semis for a full turnaround. Reply: Noriega stated yes.

Van Buren: he likes the plan and would like to prove. He will need to be convinced that the traffic issues are covered.

Carmichael: asked about level of service and number of trucks on Plaza Drive. Reply from traffic expert is that level of service rates the delay at a traffic light and this area would be getting a rating of an A or B meaning that there is a slight delay but services the need.

Richard: asked about the parking deck would it be built to add levels in the future, and he asked about plan for underground water detention from a couple years ago and possibly to consider making current proposed pond an underground detention to allow for more parking spaces.

Chairman Richard stated that the Public Comment is still open and he would entertain a motion to continue public comment at next meeting on August 10th, 2016.

Motion to continue public comment on this item until August 10, 2016.

Motion by: Pill

Second by: Thomas

#### **VOTING A**

Van Buren--Yes

Thomas--Yes

Sharp--Yes

Bartel--Yes

Carmichael--Yes

Pill--Yes

Richard--Yes

Motion passed.

It was noted that there will be three meetings in August on the 3rd, 10th and 17th.

#### **(8) Motion to adjourn.**

Motion by: Sharp

Second by: Thomas

**Meeting adjourned 10:39pm.**